

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anh T. Do,

Civ. No. 23-1599 (JWB/DTS)

Petitioner,

v.

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Michael Segal, *Warden*,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) by United States Magistrate Judge David T. Schultz dated May 31, 2023. (Doc. No. 3.) Petitioner objects to the recommendation that this Court deny her petition. (Doc. No. 5.)

The Court reviews the portions of the R&R to which Petitioner objects de novo and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). The Court reviews any aspect of an R&R to which no specific objection is made for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). A pro se petitioner’s objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

The Court has reviewed Petitioner’s objection. This is not the first time the Court has reviewed this form filing, which contests the Magistrate Judge’s analysis finding that

the Bureau of Prisons reasonably interprets the First Step Act. But that analysis is secondary to the Magistrate Judge's analysis finding (as a growing number of other courts have) that the text of the First Step Act is not ambiguous and does not support Petitioner's reading. Because the Court finds no clear error in that primary analysis, Petitioner's objection to the secondary analysis carries no weight.

After carefully reviewing the other portions of the R&R not specifically objected to, the Court finds that the R&R is neither clearly erroneous nor contrary to law. Based on that review, and in consideration of the applicable law, the Court accepts the R&R in its entirety.

IT IS HEREBY ORDERED that:

1. Petitioner Anh T. Do's Objection to the Report and Recommendation (Doc. No. 5) is **OVERRULED**;
 2. The Report and Recommendation (Doc. No. 3) is **ACCEPTED**;
 3. Petitioner's Petition for Writ of Habeas Corpus (Doc. No. 1) is **DENIED**;
- and
4. This action is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: June 27, 2023

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge